

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

CECELIA TINNEY,

Plaintiff,

vs.

LEXINGTON INSURANCE  
COMPANY,

Defendant.

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No. 3:06CV596-SRW

**AFFIDAVIT OF JOHN A. TINNEY**

COMES NOW John A. Tinney, Attorney at Law, and having been  
duly sworn doth depose and say on oath as follows:

1. My name is John A. Tinney and I am over the age of 19 years,  
of sound mind, and I have personal knowledge of the matters contained  
herein.

2. I am an attorney for Plaintiff Cecelia Tinney in this case. I am  
the attorney who drafted her Complaint which she filed in the Circuit Court  
of Randolph County, Alabama and I have assisted in answering subsequent  
discovery responses.

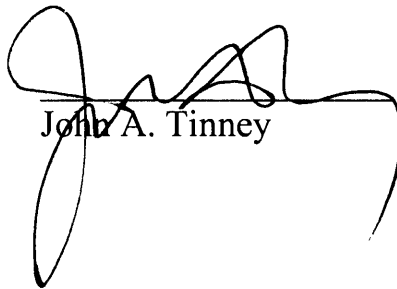
3. At the time I drafted the Complaint, I specifically asked for a  
sum not in excess of \$74,000. In subsequent discover the amount being

sought by Plaintiff was further clarified by adding an *ad damnum* clause to her Response to Defendant's Request for Admissions which provides that Plaintiff is not seeking a sum exceeding \$75,000, exclusive of costs and interest.

4. The Plaintiff will not ask the Court or jury to render a verdict in her favor in excess of \$75,000, exclusive of costs and interest.

5. The Plaintiff will not accept more than \$75,000, exclusive of interest and costs, in full satisfaction of this case.

6. This Court does not have subject matter jurisdiction over this case because the amount in controversy does not exceed \$75,000 exclusive of interest and costs.

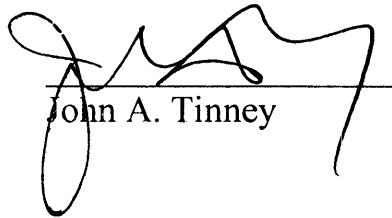


John A. Tinney

STATE OF ALABAMA

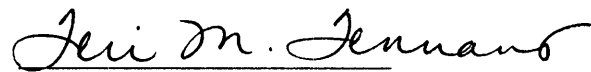
RANDOLPH COUNTY

Before me, the undersigned authority, a Notary Public in the aforesaid County and State, personally appeared John A. Tinney, who first being duly sworn, deposes and says on oath that the statements contained in the foregoing are true and correct according to the best of his/her knowledge, information and belief.

  
John A. Tinney

Sworn to and subscribed before me on this the 13th day of July, 2006.



  
Notary Public

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: June 18, 2009  
BONDED THRU NOTARY PUBLIC UNDERWRITERS